



07 OCT 2008

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Clifford W. Browning
KRIEG DEVAULT LLP
One Indiana Square
Suite 2800
Indianapolis, IN 46204-2079

In re Application of:
GERMAIN, Nicolas
U.S. Application No.: 10/524,624
PCT No.: PCT/CH03/00490
International Filing Date: 18 July 2003
Priority Date: 19 July 2002
Attorney's Docket No.: 16949-2
For: SYSTEM FOR EXTRACTING
INFORMATION FROM A
NATURAL LANGUAGE TEXT

DECISION ON PETITION TO
WITHDRAW HOLDING OF
ABANDONMENT
(37 CFR 1.181)

This decision is issued in response to the "Petition To Withdraw The Holding Of Abandonment Under 37 CFR 1.181(a)" filed 29 September 2008. No petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decisions mailed 08 May 2006 and 20 June 2008. The most recent decision dismissed without prejudice applicants' renewed petition under 37 CFR 1.47(b) for failure to satisfy all the requirements of a grantable petition. The decision provided an extendable two-month response period, and indicated that the failure to file a timely response would result in abandonment.

On 18 September 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification of Abandonment" indicating that the application was abandoned for failure to timely respond to the previous petition decision.

On 29 September 2008, applicant filed the "Petition To Withdraw The Holding Of Abandonment Under 37 CFR 1.181(a)" considered herein. The petition asserts that the extendable time period for filing a response to the 20 June 2008 decision has not yet expired and that the mailing of the Notification of Abandonment was therefore inappropriate.

DISCUSSION

As noted by applicant in the present petition, the decision mailed by this Office on 20 June 2008 provided a two-month response period, and the decision indicated that extensions of time were available under 37 CFR 1.136(a). 37 CFR 1.136(a) permits the applicant to extend the

response deadline by up to five months. In the present case, 37 CFR 1.136(a) permits applicants to extend the response deadline for the 20 June 2008 decision up to 20 January 2009 (i.e., five months beyond the original 20 August 2008 deadline). Accordingly, the extendable time period for applicant to respond to the 20 June 2008 decision has not yet expired.

The Notification Of Abandonment mailed 18 September 2008, based as it was on applicant's purported failure to file a timely response to the 20 June 2008 decision, is appropriately vacated, as requested by applicants herein.

CONCLUSION

The petition under 37 CFR 1.181 for withdrawal of the holding of abandonment is **GRANTED**.

The Notification Of Abandonment mailed 18 September 2008 is hereby **VACATED**.

The present decision does not change the response deadline with respect to the previous decision (which remains based on the 20 June 2008 mail date of such decision). Any renewed petition under 37 CFR 1.47(b) submitted by applicant in response to the 20 June 2008 decision must include the extension fee required to make such submission a timely response to the previously mailed decision.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459